

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MUHAMMED ZBEIDA TILLISY,

Defendant.

CASE NO. CR09-269 MJP

ORDER DENYING DEFENDANT'S
MOTION FOR COMPASSIONATE
RELEASE

This matter comes before the Court on Defendant's Motion for Compassionate Release. (Dkt. No. 258.) Having considered the Motion, the Government's Opposition (Dkt. No. 261), and all supporting materials, the Court DENIES the Motion.

Defendant again asks the Court to grant him compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). But as the Court has already explained, it lacks jurisdiction over Defendant's request because Defendant remains in state custody. (See Order Denying Defendant's Motions at 2-3 (Dkt. No. 257).) As the Ninth Circuit has made clear, "a convicted defendant is not entitled to seek statutory compassionate relief prior to incarceration" in federal prison. United States v.

1 Fower, 30 F.4th 823, 825 (9th Cir. 2022). Accordingly, the Court lacks jurisdiction over
2 Defendant's request and DENIES the Motion.

3 The Court also notes that Defendant has filed a Motion to Continue ECF Filing and
4 Appoint Counsel that is directed to the Ninth Circuit and related to his pending appeal. (Dkt. No.
5 262.) The Court will not rule on this Motion, which seeks relief from the Ninth Circuit and was
6 improperly filed on the Court's docket. The Court directs the Clerk to terminate this Motion on
7 this Court's docket. Defendant must file this request directly with the Ninth Circuit, not with this
8 Court.

9 The clerk is ordered to provide copies of this order to Defendant and all counsel.

10 Dated June 8, 2022.

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12 Marsha J. Pechman
13 United States Senior District Judge
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